IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 18520 of 2004

Between:

Keerthipati Sreenivasa Raju, S/o Balaraju
R/o W1/574, Malavya Nagar, Gudur, Nellore District

..... PETITIONER

AND

1 The District Collector, Nellore Nellore District
2 The Revenue Divisional Officer, Gudur Nellore District
3 Mandal Revenue Officer, Gudur (Urban), Nellore District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, direction or order especially in the nature of Writ of Mandamus declaring the proceedings in Rc.C5(M)1391/2002, dated 16-8-2004 issued by the Collector and District Magistrate, Nellore cancelling the petitioner's caste Certificate under Section 5 (1) of A.P. (Sc, ST and BC'S) Regulation of issue of Community Certificates Act, 1993 is illegal, arbitrary and violation of principles of natural justice, contrary to the procedure prescribed under the rules and offending the Article 14 and 21 of the constitution of India.

Counsel for the Petitioner: MR.M.SUBRAHMANYAM

Counsel for the Respondents: Govt. Pleader for Social Welfare.

The Court made the following :

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Oral Order:

Heard learned Counsel for the petitioner and also learned Government Pleader for Revenue. Both the counsel have argued and requested to dispose of the writ petition itself.

Against the cancellation of Caste Certificate under Section 5(1) of A.P.(S.C., S.T& B.Cs.) Regulation of issuance of Community Certificates Act, 1993 (for short 'the Act'), which is impugned in the writ petition, appeal lies to the Government under sub-section (2) of Section 7 of the Act. In view of the effective alternative remedy available to the petitioner present writ petition cannot be entertained.

Learned Counsel for the petitioner submits that Rule 10 of A.P. (S.C., S.T& B.Cs.) Regulation of issuance of Community Certificates Rules, 1997 (for short 'the Rules') provides appeal only against the rejection orders on the application for issuance of Community Certificate, but the same will not govern filing of appeal against cancellation of Community Certificate.

When the Act itself contemplates appeal provision, the petitioner can very well file the appeal against the cancellation order also.

The writ petition is accordingly dismissed. No costs.

_____ A.GOPAL REDDY, J.

11-10-2004

Murthy

ASSISTANT. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Nellore Nellore District
2 The Revenue Divisional Officer, Gudur Nellore District
3 Mandal Revenue Officer, Gudur (Urban), Nellore District

4. Two CCs to the Govt. Pleader for Social Welfare, High Court

Buildings, Hyderbad (OUT)

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